

September 22, 2015

At a regular meeting of the Board of County Commissioners, Washington County Colorado, held at the Courthouse in Akron, Colorado on Tuesday the 22nd day of September 2015, there were present:

Terry Hart, Chairman	present
David Foy, commissioner	present
Lea Ann Laybourn, commissioner	excused (PIO training)
Garland Wahl, clerk of the board	present
Peter 'Larry' Vana, county attorney	present

Commissioners met with Road and Bridge Supervisors.

Commissioners met at the Clinic.

The Pledge of Allegiance was recited by those present.

It was moved by Commissioner Foy and duly seconded by Commissioner Hart to approve the **Agenda**. On roll call vote, all votes being yes, the motion passed. Commissioner Laybourn was absent and excused.

It was moved by Commissioner Foy and duly seconded by Commissioner Hart to approve the **Schedule of Bills for the County** from the General, Road and Bridge, Health Care, TV Translator, and Justice Center, payables for September 22, 2015 with a value of \$83,221.69. On roll call vote, all votes being yes, the motion passed. Commissioner Laybourn was absent and excused.

It was moved by Commissioner Foy and duly seconded by Commissioner Hart to approve the **Schedule of Bills for the Nursing Home** for September 22, 2015 with a value of \$9272.68. On roll call vote, all votes being yes, the motion passed. Commissioner Laybourn was absent and excused.

It was moved by Commissioner Foy and duly seconded by Commissioner Hart to authorize the chairman to sign a letter to the Town of Akron granting permission to the **Town of Akron** to issue the necessary permits to allow the consumption of alcohol on the fairgrounds to the **Akron Elks Lodge #2579** at the Washington County **Event Center** for the Yuma District Hospital and Clinics Christmas Party on December 5. On roll call vote, all vote being yes, the motion passed. Commissioner Laybourn was absent and excused.

Brenda Rhea, **Nursing Home Administrator**, reported there were 26 residents today. I had a resignation from the dietitian and have put an ad in the paper. Work on pamphlets for advertising.

Chris Packer, **County Administrator Report**:

- Did you review the resolution on aviation fuel? Is the MOU Sales Tax that the Treasurer is on the agenda to discuss this afternoon the same thing? Does the attorney need to review the MOU?

- We had a person fall on the landing at the bottom of the stairs two weeks ago. What do you want to do with that step? Commissioner Foy suggested extending the handrail. He also suggested making signage more noticeable to the Elevator. Commissioner Hart suggested raising the floor and making a gradual slope away from the step. Packer will send an email to Jim McCracken, Facility Operations Manager.
- I haven't received anything from the Army Corp of Engineers after the phone conversation we had with them. Commissioner Foy told Packer to contact them.
- The CTSI Health Insurance meeting was September 17<sup>th</sup>. There were not a lot of changes. The proposed band structure from two years ago was proposed again. That band structure is based on utilization. There are ten bands starting with 94-100%. Washington County is at 115% usage. There is a 7% straight across the board increase and 2% for usage. We have to let CTSI know which plan we want to go with by October 9, 2015. Tentatively we will set enrollment time for October 12 – 16. Packer said he would let Donna Morris run the enrollment because it is more of a Human Resource function. Commissioner Hart would like to look at the county paying the premium for the employee and family. Some neighboring counties do that. Packer said when you do that employees will go with the most expensive plan and it will cost the county more to pay FICA, social security, etc. Commissioner Foy inquired about offering low cost insurance. According to CTSI Dental and Vision insurance is up this year. Packer and Donna Morris don't think so but Packer will check it out.
- FEMA payment for 2013 South Platte Flood is working to the final stage. We will receive half in the amount of \$155,138.80. We are waiting for redo on labor on the timesheets. The timesheets didn't go over to FEMA with the first paperwork.
- Current Nursing Home - where do we put it in next year's budget?
- The designated fund balances for outstanding warrants at Farmers State Bank will go to the State of Colorado for great payback unless something is done about them. Every outstanding warrant should be researched. Some go back to 1996 – 1998.
- Commissioners need to make a budget decision as a board about adding abatement from this year to next year's budget. The mill levy had too many zeros added to the oil and gas. We can receive them next year but not this year. You need to make a determination and add it to the 2016 mill levy. That would mean \$74,000 revenue for Washington County. Special Districts, Schools, etc. will have to make their own determination. I'll have Vana draw up a resolution to act on this especially next week.
- You need to make legislative appointments to CCI.

**Val Foutz, Zoning Official presentation:**

Viaero representative mentioned at the Planning meeting they have an app to check for dead spots on cell phones.

**Resolution 107-2015** It was moved by Commissioner Foy and duly seconded by Commissioner Hart to adopt the following resolution; to wit

WHEREAS, an application for **Use By Special Review** for a **CRMS tower and facility** to enhance cell phone coverage within unincorporated Washington County was received from **Northeast Colorado Cellular, Inc. dba Viaero Wireless** on July 30, 2015 (Case Number SP15-05) ; and

WHEREAS, subsequently, notice of a hearing before the Washington County Planning Commission was posted for at least 14 days pursuant to County requirements to advise the public of the aforementioned proposal; and

WHEREAS, the County received a signed Certificate of Posting confirming that the property was properly posted; and

WHEREAS, at their regularly scheduled meeting on September 21, 2015 the Planning Commission received evidence and testimony from the applicant regarding the proposed CRMS tower; and

WHEREAS, the Washington County Planning Commission recommended such use favorably at this meeting as well as approving the location and extent of said project pursuant to C.R.S. 30-28-110; and

WHEREAS, the Board has considered this Use by Special Review application on this date and reviewed the recommendations of the Planning Commission and has determined to take the following action.

NOW THEREFORE BE IT RESOLVED, by the Board of County Commissioners of Washington County as follows:

**FINDINGS**

The Board makes the following findings:

1. The property was properly posted at least 14 days prior to the actual Planning Commission hearing advising the general public of this matter pursuant to County requirements and therefore the Planning Commission had proper jurisdiction to proceed with the application hearing.
2. The Board hereby accepts the recommendations of the Planning Commission of approving this project with the following stipulations which applicant is deemed to accept by submitting the final Mylar for execution by the County.

**DECISION**

1. That the Use by Special Review Permit is approved subject to the following stipulations and or conditions precedent.
  - a. That the Title of the Mylar be revised to state the following; **USE BY SPECIAL REVIEW – VIAERO WIRELESS.**
  - b. That proper County signature blocks be added to the Mylar.

c. That the final Mylar be revised to show a dashed line access to the property with dimensions from County Road 12.

2. That the Clerk to the Board is hereby directed to advise the applicant of the action taken by the Board on this date.

The foregoing Resolution was presented at a regular meeting of the Washington County Commissioners held on the 22nd day of September 2015 by Commissioner Foy who moved its adoption. The motion was seconded by Commissioner Hart and on roll call vote, all votes being yes, the resolution was adopted. Commissioner Laybourn was absent and excused.

**Resolution 108-2015** It was moved by Commissioner Foy and duly seconded by Commissioner Hart to approve the **Exemption from Subdivision** (Case #EX15-06) for **Northeast Colorado Cellular Inc. dba Viaero Wireless** as purchaser of a 4 acre parcel in Section 25, Township 4 South, Range 56 West. The property is being purchased from the Estate of Herbert E. Wagner. Said exemption was recommended favorably by the Planning Commission as submitted with no additional stipulations and conditions. The Board hereby approves said Exemption as recommended by the Planning Commission with no additional stipulations and / or conditions precedent except as herein noted and to wit:

1. The Board must receive the completed signed Mylar within 60 days of the date of this Resolution which completes the planning process.

This Resolution was presented at the meeting held on the 22nd day of September 2015, by Commissioner Foy who moved its adoption. The motion was seconded by Commissioner Hart and on roll call vote, all votes being yes, the resolution was adopted. Commissioner Laybourn was absent and excused.

**Resolution 109-2015** It was moved by Commissioner Foy and duly seconded by Commissioner Hart to adopt the following resolution; to wit

WHEREAS, an application for Use By Special Review for purchase of land and subsequent construction of two electric power substations within unincorporated Washington County was received from Y-W Electric Association, Inc. on August 25, 2015 (Case Number SP15-06); and

WHEREAS, subsequently, notice of a hearing before the Washington County Planning Commission was posted for at least 14 days pursuant to County requirements to advise the public of the aforementioned proposal; and

WHEREAS, the County received a signed Certificate of Posting confirming that the property was properly posted; and

WHEREAS, at their regularly scheduled meeting on September 21, 2015 the Planning Commission received evidence and testimony from the applicant regarding the proposed construction of the two electric power substations; and

WHEREAS, the Washington County Planning Commission recommended such use favorably at this meeting as well as approving the location and extent of said project pursuant to C.R.S. 30-28-110; and

WHEREAS, the Board has considered this Use by Special Review application on this date and reviewed the recommendations of the Planning Commission and has determined to take the following action.

NOW THEREFORE BE IT RESOLVED, by the Board of County Commissioners of Washington County as follows:

FINDINGS

The Board makes the following findings:

1. The property was properly posted at least 14 days prior to the actual Planning Commission hearing advising the general public of this matter pursuant to County requirements and therefore the Planning Commission had proper jurisdiction to proceed with the application hearing.
2. The Board hereby accepts the recommendations of the Planning Commission of approving this project with the following stipulations which applicant is deemed to accept by submitting the final Mylar for execution by the County.

DECISION

1. That the Use by Special Review Permit is approved subject to the following stipulations and or conditions precedent.
  - a. That the Title of the Mylar be revised to state the following; USE BY SPECIAL REVIEW – Y-W ELECTRIC ASSOCIATION, INC. – ELECTRIC SUBSTATION
  - b. That proper County signature blocks be added to the Mylar.
2. That the Clerk to the Board is hereby directed to advise the applicant of the action taken by the Board on this date.

The foregoing Resolution was presented at a regular meeting of the Washington County Commissioners held on the 22nd day of September 2015 by Commissioner Foy who moved its adoption. The motion was seconded by Commissioner Hart and on roll call vote, all votes being yes, the resolution was adopted. Commissioner Laybourn was absent and excused.

**Resolution 110-2015** It was moved by Commissioner Foy and duly seconded by Commissioner Hart to approve the **Exemption from Subdivision** (Case #EX15-07) for **Edward and Connie Corman** as owner of a 160 acres in Section 23, Township 3 North, Range 50 West. The exemption will create a 2.81 acre parcel from the aforementioned 160 acres. Said exemption was recommended favorably by the Planning Commission as submitted with no additional stipulations and conditions. The Board hereby approves said Exemption as recommended by the Planning Commission with no additional stipulations and / or conditions precedent except as herein noted and to wit:

1. The Board must receive the completed signed Mylar within 60 days of the date of this Resolution which completes the planning process.

This Resolution was presented at the meeting held on the 22nd day of September 2015, by Commissioner Foy who moved its adoption. The motion was seconded by Commissioner Hart and on roll call vote, all votes being yes, the resolution was adopted. Commissioner Laybourn was absent and excused.

**Resolution 111-2015** It was moved by Commissioner Foy and duly seconded by Commissioner Hart to approve the **Exemption from Subdivision** (Case #EX15-08) for **Art Cline** as owner of a 160 acres in Section 12, Township 3 North, Range 53 West. The exemption will create a 6.84 acre parcel from the aforementioned 160 acres. Said exemption was recommended favorably by the Planning Commission as submitted with no additional stipulations and conditions. The Board hereby approves said Exemption as recommended by the Planning Commission with no additional stipulations and / or conditions precedent except as herein noted and to wit:

1. The Board must receive the completed signed Mylar within 60 days of the date of this Resolution which completes the planning process.

This Resolution was presented at the meeting held on the 22nd day of September 2015, by Commissioner Foy who moved its adoption. The motion was seconded by Commissioner Hart and on roll call vote, all votes being yes, the resolution was adopted. Commissioner Laybourn was absent and excused.

It was moved by Commissioner Foy and duly seconded by Commissioner Hart to approve the **Building Permit Application** (BP15-16) for **James McGrath** to put a residence on the NW1/4NW1/4-23-3N-50W. On roll call vote, all vote being yes, the motion passed. Commissioner Laybourn was absent and excused.

Val will set up meeting with Commissioners and suggest he look at Road Standards.

Gary Beers, **Industrial Water Permitting and Recycling Consultants, LLC** is proposing a project that would recycle soil (with trace amount of crude oil). As part of his application they are proposing to recycle the soil (which is essentially native soil Weld Silt Loam to uses as general fill, maintenance of dirt haul roads on private lands, and mixed with gravel for limited use in construction. Beers needs the following information from the county to include in his application to the Colorado Department of Public Health:

1. Does the county have specifications for soils that are to be used as general fill? (They do not plan to place structures on these areas, just provide a more level surface or provide a berm for windbreak or environmental plantings. Yes
2. Does the county have guidelines for construction of dirt roads on private land, specifically any geotechnical requirements or guidance for the road base materials? Don't know what means by general fill (These roads, where used for access to oilfield operations, can develop ruts, etc. and we plan to work with landowner and oil company to improve roads with addition of several inches on new soil with proper grading for drainage, etc. private roads don't have - our county roads do
3. One aspect of our proposed project will support trucking into Washington County good quality gravel from gravel pits around Denver which can be used directly or in a mixture with recycled soil in construction activities – even upgrades to private roads mentioned above in (2). Does the County have the opinion that supplies of good quality gravel are limited in the County? No

Also, our proposal soil recycling center may generate substantial volumes of Weld Silt Loam type soil that could be used for some innovative purposes. For example, we could develop some improved areas

(small hills and berms with wildlife-friendly vegetation) for attractive habitat in a plains setting. We would purchase property for this end.

#### **RESOLUTION 112 -2015**

WHEREAS, pursuant to C.R.S. 30-11-101(1) (d), the Board has the authority to do all acts in relation to property" necessary to exercise the corporate and administrative powers of the County; and

WHEREAS, pursuant to C.R.S. 30-11-107 (e) the Board has the authority to manage the concerns of the county; and

WHEREAS, pursuant to C.R.S. 30-11-107 (a) the Board has sole authority to make orders concerning the property belonging to the county as it deems expedient; and

WHEREAS, heretofore the Board has proposed a 1 ½ per cent sales tax with all revenues from said sales being remitted to the Washington County Health Care Fund; and

WHEREAS, by a vote of the electorate of Washington County the sales tax was approved in 2006 to be effective in January of 2007; and

WHEREAS, sales tax was collected from aviation fuel sales since that time; and

WHEREAS, by memorandum from the Colorado Department of Local Affairs dated August 18, 2015, the County was advised that that on November 7, 2014 the Federal Aviation Authority amended its "Revenue Use Policy" which interpreted an earlier federal statute to clarify that "local taxes on aviation fuel are subject to airport revenue use requirements"; and

WHEREAS, there is a general aviation airport within Washington County owned and operated by the Town of Akron; and

WHEREAS, based upon the information made available to the Board of County Commissioners, the Board contacted the Washington County Treasurer to determine the amount of sales taxes that were collected on aviation fuel sales that were remitted to Washington County; and

WHEREAS, as of the third quarter of 2014 through this date, according to the State and the Washington County Treasurer, the county has collected \$2,156.00 in sales tax from aviation fuel sales; and

WHEREAS, based the memorandum from the State, in order to comply with FAA requirements it appears that the County should remit these funds to the Town of Akron; and

WHEREAS, in addition the Board has determined to notify the local FAA office of an action plan to assure that the funds are properly funneled to the Town for use by the Airport; and

WHEREAS, based upon the aforementioned, the Board determined to take the following action.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY as follows:

1. The Board hereby determines to remit \$2,156.00 to the Town of Akron for any and all sales taxes collected by the County for aviation fuel sales from the third quarter of 2014 to the present.
2. In addition any and all future sales taxes received by the County for aviation fuel sales will be remitted to the Town of Akron as the owner operator of the Akron Airport.
3. The Board hereby directs that this Resolution shall be considered our ACTION PLAN to comply with the FAA regulations and a copy of this Resolution shall be sent to the:  
US Department of Transportation

Federal Aviation Administration  
Northwest Mountain Region  
Denver Airports District Office  
26 E. 68th Avenue, Suite 224  
Denver, Colorado 80249

4. Further, the Board hereby directs that this Resolution be sent to the Town of Akron to indicate that upon receipt of any sales tax funds relating to the sales of aviation fuel by Washington County that those funds will be remitted quarterly to the Town.

The foregoing Resolution was presented at a regular meeting of the Washington County Commissioners held on the 22nd day of September, 2015 by Commissioner Foy who moved its adoption. The motion was seconded by Commissioner Hart and on roll call vote, all votes being yes, the Resolution was adopted. Commissioner Laybourn was absent and excused.

The commissioners told the county attorney they were not pleased with the letter they received from Mark Hart about the 5 year investment of county funds. Vana said Hart was responding under fiduciary law. The commissioner approved the depositories that the Treasurers can use in Resolution 36-2015. Vana said the commissioners could send a memo to the treasurer and ask her if she feels she made the right choice for the county by going with Mark Hart. Mark Hart could write a letter. Vana said the commissioners could appoint someone to watch the investments. The auditor highlighted that federal investments are covered. Commissioner Hart stated that if Mark Hart did something wrong he would have to come up with the money. He has insurance. He would lose his license. Vana said the commissioners are dealing with a separate elected official. Packer gave highlights to Commissioner Foy from the auditor. Vana said the commissioners don't have the responsibility to oversee the Treasurer. The commissioners approved where she could put the money.

It was moved by Commissioner Foy and duly seconded by Commissioner Hart to allow the chairman to sign the **Memorandum of Understanding for Control of Confidential Data** pursuant to 29-2-106(4) C.R.S. for the purpose of obtaining from the **Colorado Department of Revenue** confidential information **concerning local sales taxes** collected and administered by the Department on behalf of Washington County. Washington County appoints Debra A. Cooper, Washington County Treasurer to receive this confidential information.

Commissioner Foy talked about getting gravel – 900 tons @ \$30 ton or @ \$29 ton if we get more loads. Commissioner Foy had a constituent report that he broke an axle due to the rough road condition. Foy reported that he asked how heavy the load was and was the truck going around the corner at the time.

Commissioner Hart reported they have a former road grader man back working in the Woodlin area. The road supervisor is happy with the crew he currently has. District #1 road supervisor agrees with constituents that county road BB south of the railroad track does need repaired.



Present at a meeting with the **Bank of Colorado** were: Commissioners – Terry G. Hart and David Foy, (Commissioner Laybourn was absent and excused); Clerk of the Board – Garland Wahl; Treasurer – Debi Cooper; President of Bank of Colorado – Shawn Osthoff; Region 1 President, Akron, Yuma, Sterling, Brush, Ft. Morgan, Holyoke – Steve Meier; Branch President – Matt Pieper; and Cash Management Consultant (Security) Akron, Yuma, Sterling, Brush, Ft. Morgan, and Holyoke – Amber Schliesser.

Osthoff reviewed the history of the Bank of Colorado. As one of the oldest banks in Colorado, our first charter was issued in Ft. Lupton in 1978. Banking has changed a lot over the years, but you'll find our people are still cut from the same cloth as our founders with a strong community focus.

Today Bank of Colorado is a \$2.6 Billion financial institution with 37 branches, six of which are in Northeastern Colorado (Akron, Yuma, Holyoke, Sterling, Brush, and Ft. Morgan).

Local ownership – Over 1/3 of the bank is owned by individuals residing in Colorado.

Management for Bank of Colorado from Northeast Colorado is extensive.

Bank of Colorado is consistently one of the highest ranked banks in Colorado by Bauer Financial and other rating agencies.

Nearly 64 million in capital stays locally is reinvested in local facilities, etc.

Over \$622 million in total assets dedicated to Northeastern Colorado.

Employees 84 people with a monthly payroll of \$416,000 for employees in Northeast Colorado.

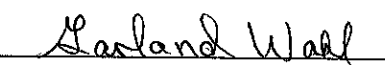
Bank of Colorado provides financing in all counties in Northeast Colorado helping to create a strong local economy and help with economic development efforts.

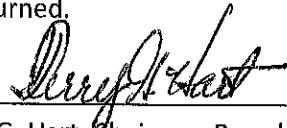
Provides Online Security – Enhanced online security for business customers utilizes multiple layers of security to ensure that the County's accounts and information remain secure. The PinBank for business system provides protection from fraud for Washington County by preventing unauthorized access to accounts and transactions.

Added Services Providing Efficiency include: Remote Deposit Capture, ACH Direct Deposit and Positive Pay.

Treasurer, Debi Cooper said she would like to have all departments start using the Bank of Colorado starting October 1, 2015 and asked if the Commissioners were going to end their relationship with The Farmers State Bank, specifically general county warrants and payroll and advice Donna Morris of such change. Commissioners didn't reply.

There being no further business the meeting was adjourned.

  
Garland Wahl, Clerk of the Board

  
Terry G. Hart, Chairman Board of County Commissioners